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Application No. 10/768,095
Amendment dated September 18, 2006
Reply to Office Action of May 23, 2006

- REMARKS/ARGUMENTS -

Claims 1 to 21 remain in the application.

The Abstract has been amended to remove any legal phraseology.

The Drawings were objected to under 31 CFR 1.83(a) as failing to show reference numeral 28.

Reference numeral 28 has been removed from Paragraph [00017] of the specification to ensure consistency between the figures and the text of the application. Reference numeral 28 was not essential to the understanding of the disclosed invention. It was only used to refer to the surface of the circuit board 20 on which the transformer 24 and the relays 22 are mounted.

Claims 1 to 5, 11 to 14 and 19 to 21 were objected under 35 U.S.C. 102(a) as being anticipated by Aston (U.S. Patent No. 3,581,062).

According to the Examiner, Ashton discloses a room thermostat encompassing a circuit board, with at least one electric relay. Applicant respectfully disagrees.

As defined in paragraph [0002] of the present application, electric and electromagnetic relays are electromechanical switches comprising an electromagnet that can be energized to move a contact between closed and opened positions. The change of state of the contact produces a click sound.

In contrast, Ashton is directed to an electronic thermostat including a solid state electronic switch, such as a thyristor or a silicone controlled rectifier (S.C.R.) (see Abstract and column 1, last paragraph). A solid state electronic switch is not an electric relay and does not produce any click sound. By nature, a solid state electronic switch, such as S.C.R. does not have any mechanical parts, such as an electromagnet armature. S.C.R.'s do not emit any click sound and are typically used for noise-free applications, and as such they do not require any acoustic insulation.

It is also respectfully submitted that Ashton's electronic switch (i.e. S.C.R.) is located outside of the mass of potting compound (see Ashton Figure 1).

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In summary, independent Claims 1, 11 and 20 as well as the claims depending thereon are clearly patentable over Ashton, since Ashton is solely and only directed to an electronic thermostat having an electronic switch and nothing else.

The remaining references cited by the Examiner and combined with Ashton in an effort to meet the other claims do not cure the deficiencies of the primary reference as discussed herein above. Thus, the remaining dependent claims are patentable for at least the reasons outlined above with respect to the Examiner's 102 rejection. Withdrawal of the Examiner's 103 rejections are thus anticipated.

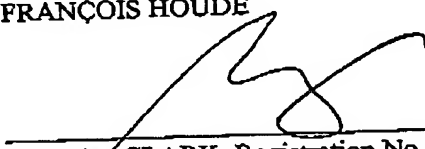
In the event that there are any questions concerning this Amendment or the Application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

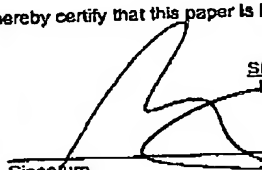
Respectfully submitted,

FRANÇOIS HOUE

By:

September 18, 2006
Date


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 Signature	<u>September 18, 2006</u> Date